



GOVERNMENT GAZETTE
OF THE
REPUBLIC OF NAMIBIA

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WINDHOEK - 8 September 1998

No. 1948

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Government Notice

OFFICE OF THE PRIME MINISTER

No. 223 1998

**PROMULGATION OF ACT
OF PARLIAMENT**

The following Act which has been passed by the Parliament and signed by the President in terms of the Namibian Constitution is hereby published in terms of Article 56 of that Constitution.

No. 21 of 1998: Townships and Division of Land Amendment Act, 1998.

EXPLANATORY NOTE:

_____ Words underlined with a solid line indicate insertions in existing provisions.

[] Words in bold type in square brackets indicate omissions from existing provisions.

ACT

To amend the Townships and Division of Land Ordinance, 1963, so as to include certain townships in the First Schedule and to provide that the Minister may in respect of the erven in those townships vary the conditions of title; and to provide for matters incidental thereto.

(Signed by the President on 25 August 1998)

BE IT ENACTED by the Parliament of the Republic of Namibia as follows:-

Amendment of section 1 of Ordinance No. 11 of 1963, as amended by section 1 of Ordinance No. 36 of 1967, section 2 of Ordinance No. 10 of 1973 and section 1 of Act No. 28 of 1992

1. Section 1 of the Townships and Division of Land Ordinance, 1963 (hereinafter referred to as the Ordinance), is hereby amended -

- (a) by the insertion of the following definition after the definition of "Board":

"Deeds Registry" in relation to land situated in the district of Rehoboth means the deeds registry established by section 2 of the Registration of Deeds in Rehoboth Act, 1976 (Act No. 93 of 1976) and in relation to any other land the deeds registry of Windhoek referred to in section 1 of the Deeds Registries Act, 1937 (Act No. 47 of 1937); and

- (b) by the insertion of the following definition after the definition of "prior law":

"Registrar of Deeds" means the registrar of deeds responsible for the deeds registry referred to in the Deeds Registries Act, 1937 (Act No. 47 of 1937), or the registrar of deeds responsible for the

deeds registry referred to in the Registration of Deeds in Rehoboth Act, 1976 (Act No. 93 of 1976).”.

Amendment of section 19 of Ordinance No. 11 of 1963, as amended by section 6 of Ordinance No. 36 of 1967, sections 1 and 7 of Ordinance No. 10 of 1973, section 1 of Ordinance No. 17 of 1975, section 1 of Act No. 3 of 1985 and sections 7 and 12 of Act No. 28 of 1992

2. Section 19 of the Ordinance is hereby amended by the substitution for subsection (8) of the following subsection:

“(8) Notwithstanding anything to the contrary contained in the Deeds Registries Act, 1937 (Act No. 47 of 1937) or the Registration of Deeds in Rehoboth Act, 1976 (Act No. 93 of 1976), any conditions imposed by the Minister in terms of subsection (4) may either be inserted in the relevant title deed or registered by means of a notarial deed, and the Registrar of Deeds shall endorse on the title deed of any land retained by the transferor, including certificates of title taken out by the owner concerned, every such condition which relates to the land so retained.”.

Substitution of section 31B of Ordinance No. 11 of 1963, as inserted by section 11 of Ordinance No. 36 of 1967 and amended by section 1 of Ordinance No. 10 of 1973 and section 12 of Act No. 28 of 1992

3. The following section is hereby substituted for section 31B of the Ordinance:

“Cancellation by Registrar of Deeds of conditions imposed

31B. Notwithstanding anything to the contrary in any other law contained, the Registrar of Deeds may, with the written approval of the Minister and upon payment of any duty or fee prescribed under the Deeds Registries Act, 1937 (Act No. 47 of 1937) or the Registration of Deeds in Rehoboth Act (Act No. 93 of 1976), as the case may be, cancel by endorsement any conditions which have, in terms of this Ordinance or any other law, been inserted in a deed of transfer or certificate of title or endorsed upon a title deed.”.

Substitution of First Schedule to Ordinance No. 11 of 1963

4. (1) The following Schedule is hereby substituted for the First Schedule to the Ordinance:

“FIRST SCHEDULE

Aroab
Aus
Bethanie
Gibeon
Gobabis
Grootfontein
Karibib
Keetmanshoop
Klein Windhoek
Lüderitz
Maltahöhe
Mariental
Okahandja
Omaruru
Otjiwarongo
Outjo
Rehoboth
Swakopmund
Tsumeb
Usakos
Walvis Bay
Warmbad
Windhoek”.

(2) The Minister may by notice in the *Gazette* amend the First Schedule to the Ordinance so as to include any area in the district of Rehoboth which has been divided into sites, whether surveyed or not, prior to the commencement of this Act, and in respect of which a general plan is approved by the Office of the Surveyor-General.

Variation of conditions imposed

5. (1) Any condition attaching to any erf in the district of Rehoboth upon the commencement of this Act shall be deemed to have been imposed under the Ordinance.

(2) Subject to subsection (3) the Minister may, on the recommendation of the Board, in relation to any erf referred to in subsection (1), by notice in the *Gazette* vary the conditions referred to in that subsection by amending, substituting or deleting any of those conditions, or by imposing further conditions in regard to any matter mentioned in section 6(3) of the Ordinance.

(3) No condition shall be imposed which purports to alter the purpose for which any such erf was used immediately prior to the commencement of this Act, without the written approval of the owner of the erf concerned.

Short title

6. This Act shall be called the Townships and Division of Land Amendment Act, 1998.
